

U.S. Appln. No. 10/039,324
Amendment Dated June 15, 2005
Reply to Office Action of March 15, 2005
Docket No. 7042-10

REMARKS/ARGUMENTS

The foregoing proposed amendment presents amended claim 1, original claims 2-8, and newly added claims 10-17.

As a result of this amendment, claims 1-17 remain in the application. Allowance of claims 1-17 as amended is respectfully requested.

The Examiner rejected claims 1-7 under 35 USC section 102(b) as being anticipated by US Patent No. 5,819,160 (Foldare). Foldare discusses a radio subscription system that enables a subscriber to remotely define and identify one or more playlists from a subscription content database for later transmission to the subscriber's radio. The system described in Foldare is not a digital audio radio system as described and claimed in the present invention that receives a digitally encoded bit stream over-the-air on the plurality of channels. Foldare appears to describe possibly a single channel and not a digitally encoded bit stream for presentation on a plurality of channels. Foldare describes a playlist selection scheme whereas applicant claims a content blocking scheme. Nothing in Foldare teaches or even begins to suggest, mention or contemplate the receipt of a digitally encoded bit stream that can be presented on a plurality of channels, nor a means for blocking content on a portion, or on one or more plurality of channels. Foldare selectively sends content that has been requested whereas in contrast a digitally encoded bit stream containing the content is sent and then a signal within the digitally encoded bit stream can disable the presentation of the undesired content in the digital audio radio. Thus, Applicant believes claims 1-7 as amended overcome the rejection based on 35 USC 102(b).

The Examiner appears to reject claim 8 under 35 USC 103(a) as being unpatentable over Foldare in view of U.S. Patent No. 4,750,213 (Novak). With respect to claim 8, the Examiner noted that Foldare failed to teach the step of storing a code representative of the undesired content in a memory of the digital audio radio. The

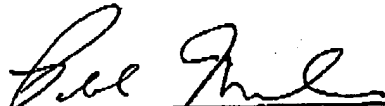
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Examiner asserted that Novak teaches the step of storing a code representative of the undesired content and that blocking comprises the step of comparing the code with a second code embedded in the signal from the central station. Although Novak does discuss the notion of comparing identification codes with codes stored in memory for editing purposes, this art is not too far different from the art discussed in the background of the present invention regarding parental controls. Once again, Foldare alone or in combination with Novak fails to suggest, mention or contemplate the receipt of a digitally encoded bit stream that can be presented on a plurality of channels as recited. Thus, Applicant believes claims 7 and 8 (being dependent on amended claim 1) overcomes the rejection based on 35 USC 103(a). Furthermore, the Applicant agrees with Examiner's assessment that claim 9 contains allowable subject matter.

Consequently, an indication of allowability is respectfully requested. Should any minor points remain prior to the issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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